

# **EXHIBIT 12**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,  
MASSACHUSETTS,  
WASHINGTON, COLORADO,  
CONNECTICUT, DELAWARE,  
DISTRICT OF COLUMBIA,  
HAWAII, ILLINOIS, IOWA, NEW  
MEXICO, NORTH CAROLINA,  
OREGON, PENNSYLVANIA,  
RHODE ISLAND, VERMONT, and  
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official  
capacity as President of the United  
States; U.S. DEPARTMENT OF  
HOMELAND SECURITY; ELAINE  
C. DUKE, in her official capacity; U.S.  
CITIZENSHIP AND IMMIGRATION  
SERVICES; U.S. IMMIGRATION  
AND CUSTOMS ENFORCEMENT;  
and the UNITED STATES OF  
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228  
(NGG) (JO)

**DECLARATION OF JAMES B. MILLIKEN**

Pursuant to 28 U.S.C. § 1746 (2), I, James B. Milliken, hereby declare as follows:

1. I am Chancellor of The City University of New York (“CUNY” or “University”), a position which I have held since June 2014. As Chancellor, I am the chief executive, educational and administrative officer of CUNY, its senior and community colleges and other educational divisions and units. Prior to holding my current position, I served as President of the University of Nebraska for ten years, and prior to that I served as Senior Vice President of the 16-campus University of North Carolina. I also hold an appointment as Distinguished Professor of Law at the CUNY Law School. I have personal knowledge of the matters set forth below, or have knowledge of those matters based on my review of information and records gathered by members of my staff.

2. The City University of New York is the nation’s largest urban university, with twenty-four campuses, including senior and community colleges and graduate and professional institutions. The University has an enrollment of approximately 274,000 full and part-time undergraduate and graduate students and nearly 276,000 students enrolled in adult and continuing education programs.

3. As is set forth in Section 6201 of the New York State Education Law, CUNY was established as an “integrated system of higher education” with a continuing commitment to academic excellence and equal access and opportunity for students, faculty and staff from all ethnic and racial groups and from both sexes. CUNY has had a special mission to provide an affordable and excellent education for residents of New York City from disadvantaged backgrounds. Led by this historic mandate, CUNY has become among the most accessible, affordable and respected universities in the country.

4. As is set forth below, since it went into effect in 2012, the DACA program has provided an important cohort of CUNY students with legal protections and financial opportunities that have enhanced their ability to take full advantage of a CUNY education. This result furthers CUNY's mission to make higher education available to all who wish to attain it. The DACA program has also benefitted the University itself, as DACA students contribute their unique perspective and enthusiasm inside and outside the classroom, making CUNY an even more vibrant place to study. Finally, DACA furthers CUNY's mission to supply an educated workforce to the State and City of New York, as graduates with DACA status can go on to employment in professions needed by the State and City.

5. Students without lawful immigration status through no fault of their own face a number of barriers to accessing and obtaining higher education, including paying tuition and living expenses, obtaining a job to support themselves and sometimes family members, and overcoming psychological obstacles such as anxiety, stress and feelings of exclusion. DACA has removed some of these barriers for CUNY students. By providing for work authorization, DACA has helped these students finance the cost of their college educations by working at higher-paying jobs, and has also enabled them to obtain valuable paid work experience and internships in their field to prepare them for career-track positions after college. By providing temporary protection from deportation, it has reduced stress and anxiety and enabled them to focus on their education. Accordingly, the DACA program has played a significant role in allowing these students to meet their educational goals at the University.

6. Although CUNY does not collect data on the specific number of students with DACA status, CUNY is aware that there are hundreds, if not more, DACA students enrolled at the University. A private scholarship, TheDream.US, which is available only to students in



DACA or Temporary Protected Status (TPS) has advised the University that it has awarded approximately 800 scholarships to CUNY students since the Spring 2015 semester; it is reasonable to assume that most of these are DACA students. Consistent with research regarding DACA students in higher education generally, DACA students at CUNY generally perform well academically. Of the 474 CUNY students who were receiving TheDream.US scholarship in Spring 2017, close to 70 percent have maintained a cumulative grade point average of 3.0 or higher. Such students, who are residing in New York through no act of their own, are clearly strivers who are taking the educational opportunities they been have afforded seriously.

7. If the DACA program were eliminated, it would have a severe impact on CUNY's DACA students. The elimination of work authorization could likely result in some students having to withdraw from the University, due to lack of resources. They would be subject to deportation and likely lose their sense of educational purpose, which would undoubtedly impact their retention and academic success.

8. One of CUNY's critical roles as an institution of higher education is to provide students with the skills necessary for them to be successful in their chosen field, regardless of whether this requires an associate's degree, a bachelor's degree, or graduate or professional education. By providing students with work authorization, DACA allows these students to work in the field of study while in school and after graduation. Moreover, in the State of New York, students in DACA status can now be licensed in the professions and can become lawyers, nurses, teachers and have other professional employment that requires licensure by the State. CUNY invests significant financial and human resources in teaching all of its students, and this investment is coupled with the investment that the City and State of New York have already


made in K-12 with regard to these students. The DACA program ensures that, at least for this group of immigrant students, CUNY's resources, as well as those of the City and the State, are being fully taken advantage of.

9. With its home in the nation's largest and most diverse city, CUNY recruits and attracts a student body that is extraordinarily diverse by any measure, including in country of origin, language, culture, race, ethnicity, religion, geography, family income, age, and educational background. New York City is home to one of the largest immigrant populations in the country and CUNY has a historic tradition of educating immigrants. CUNY students identify with 216 different ancestries and speak 189 different languages. Thirty seven percent of CUNY students were born outside of the United States mainland.

10. As is described in its 2016-2020 Master Plan adopted by the University's Board of Trustees, CUNY has recognized the increasing importance of providing global perspectives to its students. Studying alongside students from other countries can expose students to different cultures and ideas, enliven their classroom experiences, expand their networks and horizons and engender a sense of global citizenship. DACA students contribute to these specific goals of the Master Plan and CUNY's special mission to serve all residents of New York City regardless of class, race or immigration status.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 5, 2017.

  
\_\_\_\_\_  
James B. Milliken  
Chancellor  
The City University of New York